RealNetworks Inc v. MLB Advanced Media LP Doc. 19

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REALNETWORKS, INC., a Washington corporation, Plaintiff, v. MLB ADVANCED MEDIA, L.P., a Delaware limited partnership, Defendants.	Case No. CV04-0511 FDB DECLARATION OF CHARLES F. PRUTTING

I, Charles F. Prutting, hereby declare

1. I am a paralegal with the Summit Law Group, PLLC, 315 Fifth Avenue South, Suite 1000, Seattle, Washington 98104-2682. I submit this declaration in support of Plaintiff RealNetworks, Inc.'s Motion for a Preliminary Injunction.

2. Attached hereto as Exhibit 1 is a true and correct copy of emails posted on the "Fan Forum" message board webpage on the MLB.com website under the topic "Problems with Gameday Audio."

3. Attached hereto as Exhibit 2 is a true and correct copy of emails posted on the "Fan Forum" message board webpage on the MLB.com website under the topic "MLBTV Problems?"

SUMMIT LAW GROUP PLLC
315 FIFTH AVENUE SOUTH, SUITE 1000
SEATTLE, WASHINGTON 98104-2682
telephone (206) 676-7000
fax (206) 676-7001

Dockets.Justia.com

4. Attached hereto as Exhibit 3 is a true and correct copy of emails posted on the "Fan Forum" message board webpage on the MLB.com website under the topic "MLB.TV only 200 games monthly??"

5. Attached hereto as Exhibit 4 is a true and correct copy of emails posted on the "Fan Forum" message board webpage on the MLB.com website under the topic "Gameday Audio."

6. Attached hereto as Exhibit 5 is a true and correct copy of emails posted on the "Fan Forum" message board webpage on the MLB.com website under the topic "Will MLB.TV cover Spring Training games?"

7. Attached hereto as Exhibit 6 is a true and correct copy of the webpage titled "Dale Chihuly: A Tacoma Walking Tour" from the Tacoma Art Museum's website.

8. Attached hereto as Exhibit 7 is a true and correct copy of the March 22, 2004 news article "MLB lands Microsoft, America Online deals" by Jim Hu of CNET News.com.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 22nd day of March, 2004 in Seattle, Washington.

Charles F. Prutting

SUMMIT LAW GROUP PLLC
315 FIFTH AVENUE SOUTH, SUITE 1000
SEATTLE, WASHINGTON 98104-2682
telephone (206) 676-7000
fax (206) 676-7001

CERTIFICATE OF SERVICE

I do hereby certify that on this 22nd day of March, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Laurene E. Somerville, James L. Magee, G. Michael Halfenger and Mary K. Braza, attorneys for Defendant MLB Advanced Media LP.

s/ Ralph H. Palumbo, WSBA # 04751
Lynn M. Engel, WSBA # 21934
Denise L. Ashbaugh, WSBA #28512
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General - Problems with Gameday Audio Subscr

From: *jcurran* Mar-9 1:48 p

To: ALL (1 of 32910

Am I the only one having problems with Gameday Audio? Last year I had no problems accessing the games with RealPlayer but no you must use Windows Media Player. I keep getting an error message saying I must download a codec that can't be found on the web. After 2 hours on the phone with the MLB tech support and downloading the newest version of Media Player, they still didn't ha a fix for me.

I guess I'll be asking for refund but I'm going to miss Ronnie Santo and my Cubs.

Options Reply Rate

Message 2 of 2 was Delete

Next Discussion>>

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General - MLB.TV Problems? Subscr

From: ***eddivegas*** Mar-2 8:05 a
To: **ALL** (1 of 1
32715

I was wondering - is anyone else having problems with MLB.TV? I live in Japan, and this is the only way that I can watch the game archives, etc. About 2 weeks, I was watching some archive games from last season, and suddenly , this week, it doesn't seem to work at all. It keeps sending me to a "page cannot be displayed" error. It's really getting on my nerves, because when I bought MLB.TV for the entire season, they promised me the Spring Training games too. And, those start in just 2 days! Is anyone else having this problem? Reply ASAP. Thanks.

Options Reply Rate

From: ***mansteini*** Mar-2 11:49 a
To: ***eddivegas*** (2 of 1
32715.2 in reply to 32715

Maybe it helps if you download the Real One Player again. I had the same problems with mlb-radio. After the download, the player works again.

Options Reply Rate

From: ***Kyle Jojo*** Mar-2 6:48 p
To: ***mansteini*** (3 of 1
32715.3 in reply to 32715

I have been having the same exact problems since last week also. I have downloaded the newsest version of Real Player(v10). I have also been talking with the customer service adn they have been unable to help me at all. I am starting to get really mad cuase wanted to be able to wacth some Spring training games.

Options Reply Rate

From: ***ragnaar16***
To: ***Kyle Jojo*** unread

Mar-2 7:31 p
(4 of 1
32715.4 in reply to 32715

Maybe the archived games from last year are being deleted to make room for this year's upcoming games.

Options Reply Rate

From: ***mansteini***
To: ***Kyle Jojo*** unread

Mar-3 10:38 a
(5 of 1
32715.5 in reply to 32715

The Baseball Archive works. I can see every game. Also Baseball Best (but you have to click on every single half inning). Try it aga with a new real player download.

Options Reply Rate

From: ***franzkafka***
To: ***eddivegas***

Mar-3 10:54 a
(6 of 1
32715.6 in reply to 32715

Do you go to games in Japan? My brother is over there and I may visit him next summer. What are they like?

Options Reply Rate

From: ***nemesis266***
To: ***eddivegas***

Mar-3 4:10 p
(7 of 1
32715.7 in reply to 32715

I had the exact same problem... I reinstalled Realone.. it didn't work. Then I decided that I needed I should try to get the old version went to...

oldversion (with w w w on the beginning and . c o m on the end since it wont let me post those "objectional words")

Then I got realplayer 8. It works now... don't worry about having an older version, It actually goes faster(so if you ever have problem with it lagging and stopping that will be better)

Options Reply Rate

From: ***Base Ball***
To: **ALL**

Mar-3 6:00 p
(8 of 1
32715.8 in reply to 32715

MLB told me that they are no longer using REALPLAYER. They said that it would take about two more weeks to decide how they a going to present the video. Real lost the contract because they didn't want to pay the amount that MLB wanted.

Options Reply Rate

From: **eddivegas** Mar-3 7:30 p
To: **franzkafka** (9 of 1
32715.9 in reply to 32715

Oh yeah, I go to games all the time. Well, actually, last year, I went to games alot, but I moved to a more remote area, and its difficu to make it to games now. You wouldn't believe what games are like here. Most Americans don't like the experience, because its so noisy, and cheery. Most Americans want to just sit back, drink a beer, and watch. But, I'm not that way. People are constantly screaming, blowing horns, jumping, etc. Each player usually have their personalized fan cheer. Its crazy. By the way, where does your brother live, and what does he do?

▾ Options Reply Rate

From: **eddivegas** Mar-3 7:33 p
To: **nemesis266** unread (10 of 1
32715.10 in reply to 32715

Before you uninstalled the new version, and added the older version of REALPLAYER, were you receiving intax errors (page canno be displayed)? I'm really upset about this. They promised Spring Training games, and that's the only reason that I went ahead and bought the entire season. I think they should give me some sort of refund. Its crazy. Why would they do that with REALPLAYER, th week of Spring Training? It doesn't make sense.

▾ Options Reply Rate

From: **mred3** Mar-3 8:01 p
To: **eddivegas** (11 of 1
32715.11 in reply to 32715.

i guess its good i havent bought yet. i was gonna do the whole season too for that reason. but i still want to see what its like, i hope they do a trail like last year when they get this settled.

▾ Options Reply Rate

From: **eddivegas** Mar-4 12:15 a
To: **mred3** (12 of 1
32715.12 in reply to 32715.

Well this is the crazy thing - I was watching archived games two weeks ago, after I bought the entire season, and it worked perfect everytime. The quality if fantastic for streaming video, and the sound is perfect. Its definitely worth 80 bucks for over 1000 games. Especially if you're living overseas. I don't know what I'm going to do now. I can't contact them directly, because they don't reply to emails, and I can't call them, because they don't accept international phone calls. How should I get my money back for buying the entire season, when I never watched one game of the season? If anyone has any ideas, let me know.

▾ Options Reply Rate

From: **franzkafka** Mar-4 10:39 a
To: **eddivegas** (13 of 1

32715.13 in reply to 32715

He's a Marine stationed in Okinawa. I plan to visit him next year and would love to see a Japanese game. I plan to spend some tim in Japan. A cousin of mine lived there for a while in Osaka, I think. He told me that the games were crazy. What about the food and stuff? I suppose that's a different experience too.

▼ Options Reply Rate

From: ***tazvegas***
To: **ALL**

Mar-4 12:04 p
(14 of 1
32715.14 in reply to 32715.

This is an email I got back from MLB.com support:

We are planning to make some spring training games available on MLB.tv once our switch in streaming media partners is complete. Please continue to check the MLB.tv page. When spring training games are available you will see them on the schedule posted on the MLB.tv page.

▼ Options Reply Rate

From: ***eddivegas***
To: ***tazvegas*** unread

Mar-4 11:38 p
(15 of 1
32715.15 in reply to 32715.

Hey, thanks for the post. Its real helpful. I'm still waiting for them to figure something out!

▼ Options Reply Rate

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General - MLB.TV only 200 games monthly?? Subscr

From: ***schwarz***
To: **ALL**

Mar-4 7:14 a
(1 of 1
32775

Hallo

I´m living in germany and i enjoy MLB.TV. Before i decide to take the ticket for 80$, i have a question. Last year they show us between 60-80 games weekly. This year they anounce only 200 monthly. Did anyone know what this is about.

Greeting from germany

Options | **Reply** | Rate

From: ***vtyankeefan15***
To: ***schwarz*** unread

Mar-5 10:00 p
(2 of 1
32775.2 in reply to 32775

Are you talking about MLB Extra Innings. They have about 10-12 games daily. I will pay this year $37.25 for 4 months and thats the whole season

Options | **Reply** | Rate

From: ***halomaniacle***
To: ***schwarz*** unread

Mar-5 10:29 p
(3 of 1
32775.3 in reply to 32775

If they're cutting back on games, then they should cut back on the price as well! GRRR!!!!

Options | **Reply** | Rate

From: ***editorialproducer***
To: ***schwarz*** unread

Mar-5 10:37 p
(4 of 1
32775.4 in reply to 32775

Thanks for asking about MLB.TV. If you enjoyed the 2003 breakthrough of MLB.TV, the first time that a pro sports league has televised its schedule live over the Internet to fans around the world, then you will enjoy 2004 at least as much and the cutting-edge fun has already begun.

If you watch the archived version of the first 2004 broadcast featuring Alex Rodriguez's debut as a Yankee, then you will see it beg with Whitey Ford pitching to Yogi Berra. What a great way to start the MLB.TV year! Then you can fast-forward to specific plays for Rod at third, creating your own instant reply, and manage how you want to follow that Yankee opener on March 5.

To find more information, please click Video on the navigation above and go to the MLB.TV main page.

Once again, the regular-season MLB.TV live broadcasts will be subject to blackout if you are looking for a team that plays its home games in your defined region. Most of the remaining games will again be available. There will be MORE THAN 200 games a month streamed. MLB.TV is great whether you live in Germany or Jersey, and the quality is excellent.

Try it out if you haven't yet -- Sunday's Red Sox-Yankee game will be streamed (you need a 350K+ connection), and then the first look at Kaz Matsui with the Mets on March 10 -- and experience the same excitement if you were part of the 2003 fun. The revolutio continues!

-- MLB.com

Edited 3/5/2004 10:45:37 PM ET by *editorialproducer*

Options | Reply | Rate

From: ***5thgearpinned***
To: ***editorialproducer*** unread

Mar-5 11:53 p
(5 of 1
32775.5 in reply to 32775

Who are you? Are you an MLB.Com assistand or something?

Options | Reply | Rate

From: ***cjayw***
To: ***5thgearpinned***

Mar-6 12:53 a
(6 of 1
32775.6 in reply to 32775

Yes, he probably is.

Options | Reply | Rate

From: ***mlcap***
To: ***editorialproducer*** unread

Mar-6 10:41 a
(7 of 1
32775.7 in reply to 32775

I don't see where you answer the original question.

Perhaps if you were to answer the question: Will there be (at least) the same number of games last year?

Also, these questions might be nice to have answered for others:

1. Who is the streaming provider this season?

2. Will I be able to demo what the feed looks like using this new provider? (I click on try it now and I'm sent to the buy it screen!)

3. Where is the "Total Ticket" package from last year? Sorry, but I'm not paying $80 for JUST the MLB.TV by itself.

Thanks.

▼Options | Reply | 5.0 (1 vot

From: ***andytsj***
To: ***mlcap***

Mar-6 8:38 p
(8 of 1
32775.8 in reply to 32775

I wonder if these forums have a bot set up to spew that out every time 'mlb.tv' is detected in a thread. There is no way that reply wa posted by a human being, surely not.

Edited 3/6/2004 8:46:59 PM ET by *andytsj*

▼Options | Reply | Rate

From: ***nvagiantfan***
To: ***editorialproducer*** unread

Mar-7 7:18 a
(9 of 1
32775.9 in reply to 32775

Ok, this speculation will end when we get the schedule for this year. When are you going to give us the schedule for this year for m tv?

▼Options | Reply | Rate

From: ***blackmetal***
To: ***vtyankeefan15*** unread

Mar-7 10:38 a
(10 of 1
32775.10 in reply to 32775

I don't think they are talking about the Extra Innings package....this will be my first year getting that by the way...

▼Options | Reply | Rate

From: ***moderator***
To: ***mlcap***

Mar-7 7:54 p
(11 of 1
32775.11 in reply to 32775

Thank you for your interest in MLB.TV.

1.Our streaming media provider for the upcoming season will be Akamai, and you will need to have the latest version of the Window Media Player in order to view 2004 games.

2. The try now page is currently under construction. Please continue to visit the website for further updates.

3. Glad you asked this question!
MLB.com is currently revising the "Total Ticket" package. The new subscription package should be available to our customers with a week or so. Please continue to visit our site for more details.

▼ Options | Reply | Rate

From: ***moderator***
To: ***nvagiantfan***

Mar-7 7:56 p
(12 of 1
32775.12 in reply to 32775

The MLB.TV schedule is still being compiled and should be available shortly for review. Please continue to visit our website for further information.

▼ Options | Reply | Rate

From: ***nvagiantfan***
To: ***moderator***

Mar-7 8:21 p
(13 of 1
32775.13 in reply to 32775.

Ok, thank you for your response. Does it look like you'll carry about the same amount of games as last year?Looking through last year's archives, it seems like more games were covered than were not. It would be nice if it would carry the same amount of games this year.

So is the windows media player that carried the Yankee -Bosox game today, the means that will carry the games this year? In the archived games, it came up real player. So was it real player last year, and Windows Media Player this year? The Yankee-Redsox game that I am seeing a replay look at today, looks pretty good.

▼ Options | Reply | Rate

From: ***schwarz***
To: **ALL**

Mar-8 8:42 a
(14 of 1
32775.14 in reply to 32775.

Hallo

OK, i have seen the first 2 Springgames on MLB.TV and for me it doesn´t look much better than last year.
I have ordered MLB.TV (80$) and Gameday Audio (15$). Can i change it, when you have your total-ticket ready?

Greetings from germany

▼ Options | Reply | Rate

From: ***rdale106035***

Mar-8 9:20 a

To: **ALL**

(15 of 1
32775.15 in reply to 32775.

"Does it look like you'll carry about the same amount of games as last year?"

Yes, they carry all the games in the Extra Innings package plus isolated additional. EI has the same base every year, and as more teams go more to cable to televising games - more will be on EI and hence more on MLB.TV.

"So is the windows media player that carried the Yankee -Bosox game today, the means that will carry the games this year?"

Yes, they announced a split with Real last month.

"OK, i have seen the first 2 Springgames on MLB.TV and for me it doesn´t look much better than last year. "

RealPlayer video quality is very good already, so you probably wouldn't notice a difference with WMP (I didn't with either of the games on MLB.TV so far.) The big loss is that RealPlayer v10 allows you to pause live streams, FF / RW and create your own "min TIVO." Windows Media Player doesn't.

- Rob

▾ Options | Reply | 5.0 (1 vot

From: ***hottubman***
To: ***rdale106035*** unread

Mar-9 12:15 a
(16 of 1
32775.16 in reply to 32775.

Excellent post. Thanks very much for the info. I wish the moderator would give an answer as much thought as you did.
Thank You.

▾ Options | Reply | Rate

Next Discussion>>

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General - Gameday Audio Subscr

From: *rrish* Mar-3 2:04 p
To: **ALL** (1 of 32762

Is anyone else having problems trying to listen to the game today?

Options Reply Rate

From: *satyricrash* Mar-3 3:01 p
To: *rrish* unread (2 of 32762.2 in reply to 32762

Yes. Loads up WindowMeid Player instead of RealOne and therefor won't play. Typical MLB.

Options Reply Rate

First Discussion>>

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General - Will MLB.tv cover Spring Training games? **Subscr**
From: ***ragnaar16*** Mar-2 7:34 p
To: **ALL** (1 of 32740

If not I'll just hold off ordering till April

Options **Reply** Rate

From: ***mred3*** Mar-2 8:48 p
To: ***ragnaar16*** unread (2 of 32740.2 in reply to 32740

yea they are but im not sure if they are free or not, id hope they are because id like to see what its like before i buy the season. if anyone knows whether their free please post.

Options **Reply** Rate

From: ***jimpick*** Mar-2 10:52 p
To: ***mred3*** (3 of 32740.3 in reply to 32740

They are free, but in order to watch them you would have to sign up to either a month or a years subscription to the regular season

Options **Reply** Rate

From: ***eddivegas*** Mar-3 6:25 a
To: **ALL** (4 of 32740.4 in reply to 32740

Yeah, the Spring Training games are free, however, the freakin MLB.TV isn't working right now, and the games start tomorrow. Tha makes me sick. I already bought the entire season for 80 bucks, and they promised with the purchase of the entire season, prior to Spring Training, you would get the Spring Training games free. I hope they have it working by then, if not, I'm going to be very, very angry. I'm living in Japan, and this is the only that I can watch any games. Plus, I've emailed their mlb.tv website support, 5 times, and they haven't replied to any of them. I don't understand why their service is so terrrible. It doesn't make sense. Because I'm overseas, I can't call the "hotline" to ask them if they will fix it before the games start. So, if someone in the States can call the 1-80 number for me, and ask them to see what's going on, that would be great. When you find out, please post. Thanks.

▾ Options | Reply | ☆☆☆☆☆ Rate

From: ***Base Ball*** Mar-3 6:05 p
To: ***eddivegas*** (5 of 32740.5 in reply to 32740

MLB told me that they don't have a contract with REALPLAYER anymore. It will be about two weeks before they decide how they w present the video.

▾ Options | Reply | ☆☆☆☆☆ Rate

From: ***tazvegas*** Mar-4 12:08 p
To: ***Base Ball*** (6 of 32740.6 in reply to 32740

This is an email I received from MLB.com support:

We are planning to make some spring training games available on MLB.tv once our switch in streaming media partners is complete. Please continue to check the MLB.tv page. When spring training games are available you will see them on the schedule posted on the MLB.tv page.

▾ Options | Reply | ☆☆☆☆☆ Rate

First Discussion>>

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Calendar
> Admission

Education Resources

- **Open Art Studio**
- **Resource Center**
- **Tours**
  - Adult Tours
  - School Tours

DALE CHIHULY : A Tacoma Walking Tour

Dale Chihuly is internationally renowned for his work in glass and i
celebrated for massive glass installations. In Tacoma, you gain a b

- Chihuly Tours

view of the artist's career with a guided tour of his works on permanent display at Tacoma Art Museum, Union Station, and the Chihuly Bridge of Glass.

Learn more about the artist, the medium of glass, and the evolutic his work!

Tours begin at Tacoma Art Museum, move to Union Station, and e on the Bridge of Glass. Tours last 90 minutes to 2 hours. Participai should be prepared to walk in rain or sun.

Price:
$10 per person
$8 per person if Union Station is unavailable
(Fee includes admission to Tacoma Art Museum)

Hours:
Tues. - Sat. 10 a.m. and 2 p.m. with advance reservation
Sun. and Mon. by special arrangement.

Reservations:
Tacoma Art Museum
253.272.4258 x 5002
Tours@TacomaArtMuseum.org
Tours are limited in size. To ensure participation please make reservations two weeks in advance.

Tacoma Art Museum - Permanent Collection
1701 Pacific Avenue, Tacoma
The museum displays the largest retrospective collection of Chihuly's work on continuous view. See examples from many of Chihuly's major series and have the opportunity to see Chihuly's artistic development with pieces from 1977 to present.

The collection was generously donated to the museum by the artist in honor of his parents, Viola and George S., and his brother George W. Chihuly.

Chihuly at Union Station
1717 Pacific Avenue, Tacoma
Union Station represents an important community collaboration between a local museum (Tacoma Art Museum), artist (Dale Chihuly), and patrons (the Executive Council for a Greater Tacoma) with the federal government. The 90-foot high central dome spurred the artist to make pieces larger than ever before, marking the beginning of his monumental-scale work.

City of Tacoma - Chihuly Bridge of Glass
Downtown Tacoma on I-705
This 500-foot pedestrian bridge links Tacoma's waterfront to the cultural campus along Pacific Avenue. Conceived by Chihuly and designed in collaboration with Arthur Andersson of Andersson-Wise Architects, the span is a grand gateway to Tacoma. Take an artistic journey through the *Seaform Pavillion*, the *Crystal Towers*, and the *Venetian Wall*.

The Chihuly Bridge of Glass includes artwork and enclosures donated to the City by the Museum of Glass: International Center for Contemporary Art.

Dale Chihuly: A Tacoma Walking Tour is a collaboration of: Chihuly Studio, City of Tacoma, Tacoma Regional Convention & Visitor Bur and Tacoma Art Museum.

info@tacomaartmuseum.org P 253 272 4258 F 253 627 1898 1701 Pacific Ave Tacoma WA 98402

EXHIBIT 7

NEWS.COM http://www.news.com/

MLB lands Microsoft, America Online deals

By Jim Hu
Staff Writer, CNET News.com
http://news.com.com/2100-1026-5177223.html

Story last modified March 22, 2004, 11:50 AM PST

Microsoft is expected this week to pay as much as $40 million over two years to video stream live Major League Baseball games onto PCs, sources said on Monday, heightening competition with rival RealNetworks and signaling rising costs for online video programming.

News.context

What's new:
Microsoft is expected to pay $40 million over two years to stream live video of Major League Baseball games onto PCs.

Bottom line:
The deal could heighten competition with rival RealNetworks and signal rising costs for online video programming.

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The deal is one of online sports programming's most expensive to date. Microsoft will receive exclusive rights to stream live video of most baseball games this season onto PCs, the sources said. MSN offers these streams as part of MSN Premium, a $9.95-a-month software package that offers Net services and content. One source said Microsoft may also sell subscriptions through its MSN.com Web portal. Users will also be able to listen to live games through the service.

One source said Microsoft may also sell baseball subscriptions through its MSN Web portal. Users will also be able to access games, using Microsoft's Window Media playback software.

Microsoft isn't the only company expected to soon strike a deal with the baseball league. America Online plans to announce a two-year, $9 million deal with MLB Advanced Media (MLBAM), the league's Web business, to offer live audio streams and 20-minute video clips for each game, the sources added. AOL will offer the games for free to its AOL for Broadband members, most of whom pay $14.95 a month on top of their broadband bills for the service.

Besides the MSN and AOL deals, the baseball league will sell video and audio subscriptions on its Web site, the sources added.

Representatives of MLBAM, Microsoft and AOL declined to comment.

The expected deals will come about two months after streaming-media company RealNetworks ended a three-year, $20 million agreement with MLB to sell subscriptions for live audio of MLB games. However, RealNetworks said the terms of that deal had made it difficult to achieve profits.

Earlier this month, RealNetworks filed a lawsuit against MLBAM, claiming that the league violated its contract in not offering RealNetworks' streaming-media player alongside other media players on MLB.com. The baseball league denied any violation of contract.

The renewal of MLB rights underscores a complicated balance of power between content providers and Web distributors. On the one hand, Web giants need content to attract users and to sell subscriptions and advertising. But leagues such as the MLB, which are accustomed to selling broadcast rights at hefty rates to television networks, are beginning to demand a higher price tag for their content.

Over the past few months, executives at MLBAM have shopped around its packages to many other potential partners, including Yahoo, SportsLine.com and RealNetworks. However, many involved in the negotiations fumed at MLBAM's price tag for entry, claiming that the league was overcharging for its content.

Microsoft and AOL may be in a different position to other Web sites. Both companies are losing their core dial-up subscribers at an alarming rate to faster broadband services and cheaper dial-up options. MSN and AOL have adopted a "bring your own access" strategy, through which they sell their online services without Internet access. The idea is to give people with other cable modem or digital subscriber line connections a way to continue using their MSN or AOL accounts for an additional monthly fee.

AOL, in particular, has staked its future on its AOL for Broadband service. The company has secured content from other divisions in its Time Warner corporate family, such as magazine articles from Time and film clips from Warner Bros.

Upping the ante

Microsoft in recent months has made streaming video a priority. The company in October unveiled a free, ad-supported streaming video initiative called MSN Video. The service launched with video clips from its MSNBC joint venture, as well as other programming from NBC's news and entertainment shows.

In contrast, RealNetworks has for years sold subscriptions to its streaming media service RealOne SuperPass, which had MLB as its marquee partner. During the past year, RealNetworks has shifted its focus to selling music subscriptions, as evidenced by its acquisition of Listen.com. It's unclear to what extend losing MLB will affect RealOne's subscription business.

Gaining MLB could offer a significant boost for Microsoft, which competes with RealNetworks over video streaming software. The hefty premium paid for an unproven video streaming model was not surprising to some analysts.

"I think to an extent it's Microsoft being Microsoft," said Michael Goodman, an analyst at The Yankee Group. "It's a cost center for them to acquire this content, and if it's a money loser, it's a money loser. What it gives them is an anchor program. It gives them a high-profile piece of programming to build around."

The deal also pushes the envelope on the price that online distributors must pay for popular programming. Just like television networks that pay billions of dollars for rights to the National Football League or the Olympics, the Internet is quickly such a valuable medium for sports fans that Web portals are more willing to open their wallets.

"Some of the new mediums, including consumer Internet and satellite radio, are looking to use the model that worked well for companies in TV," said Mark May, an equity analyst at Kaufman Bros. "It's yet to be seen if the strategy benefits new mediums like it did TV."

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